

1 David J. Beauvais (CA Bar # 84275)
2 LAW OFFICE OF DAVID J. BEAUVAIS
3 409-13th Street, 20th Floor
4 Oakland, California 94612
5 Telephone: (510) 832-3605
6 Facsimile: (510) 832-3610

7
8 Attorney for Plaintiff
9
10
11

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARK ENNIS,) No. C 09-05318 MHP
Plaintiff,)
vs.) **PLAINTIFF'S NOTICE OF MOTION
AND MOTION FOR LEAVE TO FILE
SECOND AMENDED COMPLAINT**
CITY OF DALY CITY; GARY S. MCLANE,) Date: June 28, 2010
individually and in his official capacity as) Time: 2:00 P.M.
Chief of Police of the City of Daly City; Officer) Crtrm: 15, 18th Floor
KRANZ, individually and in his official)
capacity as police officer of the City of Daly)
City; Officer ANDRADE individually and in)
his official capacity as police officer of the City)
of Daly City; Sergeant O'ROURKE,)
individually and in his official capacity as)
police officer of the City of Daly City, and)
DOES 1 through 30,)
Defendants.)

To: Defendants and their attorneys of record:

NOTICE IS HEREBY GIVEN that on June 28, 2010 at 2:00 P.M. or as soon thereafter as
the matter may be heard in Courtroom 15, 18th Floor, of the United States District Court located at
450 Golden Gate Avenue, San Francisco, California, plaintiff will move the court for an order

1 granting leave to file the proposed second amended complaint attached to the declaration of
2 counsel accompanying this motion.

3 This motion is made under Rule 15 of the Federal Rules of Civil Procedure.

4 This motion is based on this notice, the accompanying declaration of plaintiff's counsel,
5 plaintiff's memorandum of points and authorities and such evidence, oral and documentary, as
6 may be presented at the hearing.

7 DATED: May 14, 2010
8

9
10 /s/ David J. Beauvais
11 Attorney for Plaintiff
12 Mark Ennis
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28